

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CASE NO.: _____

MONTOYA LAW, P.A.
9155 S. Dadeland Blvd., Ste 1200
Miami, Florida 33156

Plaintiff,

vs.

UNITED STATES DEPARTMENT OF
JUSTICE, CRIMINAL DIVISION
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001

Defendant.

_____ /

COMPLAINT FOR INJUNCTIVE RELIEF

1. This is an action under the Freedom of Information Act, 5 U.S.C. § 552, to order the production of agency records, concerning the investigation and prosecution of Defendants Odebrecht, S.A. and Branskem, S.A. in the cases styled *U.S. v. Odebrecht, S.A.*, No. 16-643 (RJD) and *U.S. v. Branskem, S.A.*, No. 16-644 (RJD) from the United States District Court for the Southern District of New York.

JURISDICTION AND VENUE

2. This court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B). This Court also has jurisdiction over this action as a federal question under 28 U.S.C. § 1331.

3. This Court has the authority to grant declaratory relief pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq.

4. Venue is proper under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

PARTIES

3. Plaintiff MONTOYA LAW, P.A., is Florida professional association with its principal place of business in Miami, Florida and is the requester of the records which defendant is now withholding. Plaintiff has requested this information for investigative purposes in connection with its legal representation of clients.

4. Defendant the UNITED STATES DEPARTMENT OF JUSTICE, CRIMINAL DIVISION is an agency of the United States and has possession of the documents that plaintiff seeks and is located within the District of Columbia.

COUNT I (Failure to Produce Responsive Records)

5. Plaintiff re-alleges and incorporates the foregoing paragraphs as if set forth in full.

6. By letter dated January 5, 2018, plaintiff requested access to (brief summary of request). A copy of this letter is attached as *Exhibit 1*.

7. By letter dated February 5, 2018, plaintiff was denied access to the requested information on the grounds that it was exempt from disclosure under Exemption 7(A) of 5 U.S.C. §§ 552(b). A copy of this letter is attached as *Exhibit 2*.

8. By letter dated April 26, 2018, plaintiff appealed the denial of this request. A copy of this letter is attached as *Exhibit 3*.

9. By letter dated May 23, 2018, plaintiff's appeal was denied. A copy of this letter is attached as *Exhibit 4*.

10. Plaintiff has a right of access to the requested information under 5 U.S.C. § 552(a)(3), and there is no legal basis for defendant's denial of such access.

PRAYER FOR RELIEF

WHEREFORE, plaintiff requests this Court:

- (1) Order defendant to provide access to the requested documents;
- (2) Award plaintiff costs and reasonable attorney's fees in this action, as provided in 5 U.S.C. § 552(a)(4)(E); and
- (3) Grant such other and further relief as may deem just and proper.

DATED THIS 27th day of June, 2019. Respectfully submitted,

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